IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

Writ Petition No.8205 of 2005

Shri Abwaraku Shaikh. Petitioner

vs

Mumbai Metropolitan Region
Dev Authority Bombay & ors..Respodents

Mr M.R.Deshpande for petitioner

Mr.R.M.Sawant for respondents

CORAM: S.U.KAMDAR J.

Dated 13.l2.2005

P.C:

l. The present petition is challenging the order passed by the Principal Judge,City Civil Court Mumbai on 28.9.2005 in Misc Appeal No.226 of 2003.The petitioner is claiming to be in possession of the premises being A-l Garage, Ali Yawar Jung Marg, Near Nandadeep Garden, Kala Nagar, Bandra East Mumbai 40005l. The documents which are produced by the petitioner to claim benefit of the protection policy of l995 have been considered by the competent authority while passing the impugned order and the competent authority, after

considering the documents has come to the conclusion that it is not established that the petitioner was in possession of residential premises and thus directed his eviction from the unauthorised occupation of the structure.

2. Against the above order an appeal has been filed and same has been dismissed by the City Civil Court Bombay which order is impugned in this petition.

3. The learned counsel for the petitioner has drawn my attention to the ration card which is supposed to have been issued sometime on 30.5.l99l as well as birth certificate issued in 2003 giving the date of birth of a child on 7.l2.l99l.On a perusal of the orders below I find that the ration card which has been sought to be produced was not produced before the competent authority. In fact for the first time the ration card was sought to be produced before the appellate authority and same has not been accepted by the authority in the order passed and same was upheld by the appellate authority in the proceedings in appeal. In so far as the birth certificate is concerned same has not been produced at all before the authorities below

and thus for the first time I am not inclined to take into consideration the said certificate which has been issued in 2003 which is much subsequent to the cut off date of l995. In that view of the matter I do not find any reason to interfere with the order passed by the Principal Judge of the City Civil Court. I thus find no substance in the petition. Petition is dismissed accordingly with no order as to costs.